IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

CONTEMPT PETITION NO.15 OF 2005

Pravin Shah ..Petitioner

Vs.

Nitin Nagarji Mehta and Anr. ..Respondents

....

Mr.R.S.Deshpande for Petitioner
Mrs.G.P.Mulekar A.G.P. for Respondent no.2

....

CORAM : B.H.MARLAPALLE,J.

DATE : FEBRUARY 21,2005

P.C.:

1. Heard Mr.Deshpande, the learned counsel for the Petitioner. It is obvious that this Contempt Petition is misconceived. The basis of this Contempt Petition is an undertaking purportedly furnished by the respondents before the Additional Chief Metropolitan Magistrate on the basis of which he was remanded to judicial custody till 4.6.2004. Even in the said proceedings, the petitioner was cited as one of the witnesses and the proceedings were not at his instance. In addition, in compliance with the undertaking part payments were already released by way of cheques which were encashed. However, remaining cheques were dishonoured sometimes in

January, 2005 and if that be so, the petitioner has the remedy of initiating proceeding under Section 138 of the Negotiable Instruments Act.

2. Petition is therefore rejected.

[B.H.MARLAPALLE,J.]